

**MEETING MINUTES
TOWN OF HALFMOON PLANNING BOARD
APRIL 27, 2015**

Those present at the April 27, 2015 Planning Board meeting were:

Planning Board Members: John Ouimet ó Chairman - absent
Don Roberts ó Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki ó Absent
John Higgins

Planning Board Alternates: Robert Partlow
Margaret Sautter

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Cathy Drobny

Town Board Liaison: John Wasielewski

Vice-Chairman Roberts opened the April 27, 2015 Planning Board Meeting at 7:01 PM, he will be acting Chairman tonight in the absence of Chairman Ouimet. Alternate Partlow and Sautter will be voting tonight.

Vice-Chairman Roberts asked the Planning Board Members if they had reviewed the April 13, 2015 Planning Board Minutes Mr. Berkowitz made a motion to approve seconded by Mr. Higgins. Motion was carried.

15.017 Subdivision of 80 Vosburgh Road - Minor Subdivision

Mr. Partlow excused himself from this item.

The item was left open for Public Comment, no presentation was made. The Board did not receive any Public Comment at the meeting.

The Vice-Chairman admitted into the record a letter submitted to the Planning Department by Mr. Robert Parlow.

15.036 Education Center, Halfmoon Heights MHP – Amendment to Site Plan

Mr. Dannible was present. (Recording device was not on for this portion of dialogue, minutes for this portion have been summarized by staff). The applicant presented the application to the Board as stated in the written narrative submitted to the Planning Department

Mr. Berkowitz commented: Mr. Dannible, how would the food bank portion of this going to function?

Mr. Dannible commented: The food bank is scheduled to run twice a month. It will run and operate during hours that are offset of any of the Head Start or Latino outreach programs or any of the other programs that may operate in the building.

Mr. Berkowitz commented: Is there storage in there, is there a delivery, how do you distribute, how do you get deliveries?

Mr. Dannible commented: There is no storage in the building they would be delivered to the site and then handed out when people come.

Mr. Berkowitz commented: Who is delivering it?

Mr. Dannible commented: Do you have a better understanding on how that program is going to work?

Mr. Higgins commented: I am sorry we need your name and address for the record.

Mr. Tom O'Brien, Regional Manager for Garden Homes (I live in the Town of Wilton)
commented: Basically the EOC of Saratoga County approached us about building this building. We thought it would be good for the community and as a company we are donating most of the money to do this. They have asked for classes at night, some food pantries during the day they have not told us the schedule. I believe the food pantry is based on people bringing in like Freshener breads and they would distribute it. I don't have all those particulars I can get those for you if need be. Actually somebody from EOC was suppose to be here this evening but couldn't make it.

Mr. Berkowitz commented: It's not going to be a facility like the regional food bank.

Mr. O'Brien commented: No not at all. This is more of a classroom situation everything that you see here was because I met with the Town prior to this at the Building Department to find out what we need as far as any handi-cap situation or anything related to a commercial type situation they told us everything that we should provide with it and we have. We are obviously looking for your approval to go forward with this.

Mr. Berkowitz commented: Is there any tractor trailer deliveries?

Mr. O'Brien commented: No.

Mr. Higgins commented: You know or you don't know? Is the food pantry open to anyone from the community or just residents of the park?

Mr. O'Brien commented: No, there are no tractor trailer deliveries. I believe it's open to anyone in the community. It is suppose to be for the community as well as the park.

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Mr. Higgins commented: I don't have a problem with the facility or the Outreach Program. The thing we want to be concerned about is the roads in the park they are not really designed for tractor trailers or even large straight jobs. If you are going to the food pantry can you just walk in or will it be disbursed to people. We have other food pantries in Town and we have had similar problems. That is why we are asking the questions.

Mr. O'Brien commented: It is my understanding that there wouldn't be large vehicles going through there. As it is right now there are not any large vehicles. We are trying to upgrade the roads but I am also trying to bring in natural gas first before I do that and all the other things.

Mr. Higgins commented: Previously when you were here we talked about the big storage area and trying to get the excess vehicles and trailers off the site. What is the time frame for that being done?

Mr. O'Brien commented: That is probably within the next 60 days. We are working on that as well as the new lots.

Mr. Higgins commented: How about the waste water treatment plant? I know you were doing some repairs on that. Is that fully operational now?

Mr. O'Brien commented: Everything is operational for the waste water treatment plant, our 4-bay garage is complete we are just waiting for estimates to put in the concrete floor.

Mr. Higgins commented: What is the digging that is going on there now? One of the Members mentioned that there is digging going on in the entrance.

Mrs. Sautter commented: The digging is at Cemetery Road entrance to the park.

Mr. O'Brien commented: On the C section as you go down the first street there was a hill with a lot of trees and debris. We are putting in new underground electrical lines along the back side of the park. We are taking the hill and reshaping it down and removing whatever debris is there. That will be going on for probably another month.

Mr. Higgins commented: As I said, I don't have a problem with the program I think it will be beneficial to a lot of people but I personally would like more information about the food pantry and how the equipment delivers and picks up. Again, the roads within the park are not designed for a lot of traffic and/or truck traffic.

Mr. O'Brien commented: Ok would you like to do that at another meeting or can I get the information to you.

Vice-Chairman Roberts commented: We may have further questions once we receive the information the Board is looking for. Are there any other questions?

Mrs. Sautter commented: I know that Cheryl's Lodge, the Head Start Program and Outreach Classes wouldn't overlap is that correct?

Mr. O'Brien commented: Yes that is what they are telling me.

Mrs. Sautter commented: Cheryl's Lodge what do they do there now?

Mr. O'Brien commented: They have an afterschool program everything ends at 5:00 PM; the Latino program would start at 7:00 PM or something like that.

Mrs. Sautter commented: I think it says 5-7:00 PM and maybe there is a little overlap. Is the Head Start Program from 8:30 AM to 2:30 PM and is that year long?

Mr. O'Brien commented: I am not sure about that.

Mrs. Sautter commented: I know that you also have a summer camp program that goes on there too. I don't know how many students are involved in that but I want to say it's a larger camp but I don't know the hours or the days. I just know that it's held there as well. It is a concern. Do the buses come in through all of there now or do they have specific pick up points?

Mr. O'Brien commented: They have small buses that come into Cheryl's Lodge right now and that is usually at 3:00 PM.

Mrs. Sautter commented: What about the traffic do they pick up at certain points or do they stop along the way?

Mr. O'Brien commented: They pick up in the morning and in the afternoon.

Mrs. Sautter commented: I have a feeling that if they only bring the smaller buses for pick up and drop off on certain points they have a better feeling for how the road systems are in there. I did drive through there and it's not meant for larger vehicles or a large amount of vehicles going through there. I do agree it is needed there and I agree it's a great program that you are initiating.

Vice-Chairman Roberts commented: It's good but hearing the questions that you can't answer it might be good to bring someone back with you at another meeting that is more aware of the day to day activities that are going to be there.

Mr. Dannible commented: We had thought that the person with the answers was going to be here tonight.

Vice-Chairman Roberts commented: We will put you on for the next meeting and hopefully someone can be present to answer the questions the Board has. Thank you.

15.045 DGW Building & Concrete, 1604 Route 9 – Change of Use, Tenant & Sign

Mr. David Williams was present proposing to put in a showroom and mainly offices. We have a building division of flat work concrete and decorative concrete and eventually down the road sales of our products. We don't have big trucks the biggest truck that we have is a box truck. Hours of operation are Tuesdays through Fridays from 8AM to 4PM and Saturdays from 8AM-Noon. Parking has not been an issue and I don't think it will be a big volume for the showroom anyway. It will be mainly for residential decorative concrete. None of our products are installed there it is installed at the job site. It will mainly be for a show room and offices.

Vice Chairman Roberts commented: Will you have any outside storage?

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Mr. Williams commented: No, we do have some vehicles that will be stored there like a dump trailers and things like that but no outside storage. Pretty cut and dry pretty simple.

Vice Chairman Roberts commented: Does anyone from the Board have any questions?

Mr. Higgins commented: How many dump trailers or vehicles will be parked there at one time.

Mr. Williams commented: The most that will be there is maybe a couple of trucks and trailers. We have a garage and a little area off to the side. We wouldn't leave anything out by the road. It would all be around back.

Mr. Higgins commented: Would it be a maximum of 5 vehicles?

Mr. Williams commented: Not even maybe 3-5 at the most over night and on weekends.

Mr. Higgins commented: On the approval we would have to list that. As Vice Chairman said all your displays units are inside of the building you are not going to store anything outside the building. There will not be any blocks or bags of concrete.

Mr. Williams commented: No we use ready mix and it's delivered on site. I am not going to say that we won't store anything outside from time to time as we are working. There will be no outside display we don't sell block or anything of that nature. It's all ready mix flat work.

Mr. Higgins commented: The only thing outside will be some equipment. Thank you.

Vice-Chairman Roberts commented: It says that you will have 2 signs. Can you explain them to us?

Mr. Williams commented: There will be one monument sign which is already there. We are going to replace the old center for security sign and we are going to have the same wording on the building.

Vice-Chairman Roberts commented: So you are basically just changing the wording on what is already there.

Mr. Williams commented: I am not sure of the exact size but it will be the same size. The one on the building will be 2'x 10' and the 2'x 8' will be 2-sided on the monument sign.

Mrs. Sautter commented: There is some confusion on my part what kind of concrete is this stamped concrete or the pavers?

Mr. Williams commented: This is the stamped concrete.

Mrs. Sautter commented: Does this also include around the fireplace and type of thing?

Mr. Williams commented: We do mainly flat work so it's slab, slab on grade, and slab on deck commercial residential and industrial.

Mr. Berkowitz made a motion to approve the change of tenant and signage conditional on no outside storage and a maximum of 5 vehicles on site, seconded by Mr. Higgins. Motion was carried.

Vice-Chairman Roberts commented: Welcome to Halfmoon.

15.046 Amerivape Smoke Shop, 1602 Route 8 – Change of Use/Tenant

Mr. Henry Glavine, Attorney for the applicant was present and commented: We submitted a change of use and tenant application as well as a sign application. A tobacco store on Route 9 the sign application is for 2 signs and we will replace the signs that are currently there. They are each a total of 16 SF. There are at least 80 parking spaces at the site. The tenant will be using about 1,000 SF. The hours of operation are from 10AM to 8PM Monday through Saturday and from 12PM to 5PM on Sundays.

Vice-Chairman Roberts commented: Please tell us a little bit about the use being proposed.

Mr. Glavine commented: As far as the use: It is for a tobacco store and we will be selling tobacco products, electronic cigarette items and related accessories. The company's President, Mr. Leon Gilbo is here tonight and this will be his fifth store. There are stores in Ballston Spa, Mechanicville, Burnt Hills and Cohoes. I have personally seen a couple of the stores they are well maintained, modern, neat and clean. There have been no violations or complaints with other stores or areas.

Mr. Nadeau commented: What does the cigarette liquid consist of? What is that?

Mr. Gilbo commented: The electronic cigarette liquid is called propylene glycol, vegetable glycerin and flavoring and nicotine. It can be used with or without nicotine. It's a great step down product. If someone is a smoker they can start at 24 mg go to 18 mg 12 mg 6 mg right down to 0 to actually quit. We have been focusing more on that and I am sure that you have seen Schumer's bill to ban the flavoring. Flavoring is not the problem with the industry it's actually mods which we don't participate in. Mods are more geared towards kids where you see a lot of these big shops popping up called vapor lounges we are not geared toward that, that is where you see a lot of your kids hanging out and they blow clouds and we are not geared toward that. We are more geared toward the average everyday tobacco user that is trying to quit smoking usually from ages 25-65.

Mr. Nadeau commented: That is something that you store there? Is it gallons or 10 gallons?

Mr. Gilbo commented: It is just basically 16 oz. containers and we mix into 10-30 or 15 milliliter bottles.

Vice-Chairman Roberts commented: Is this like a cigar store that has a room and you can go in there and smoke?

Mr. Gilbo commented: No. There is no vaping no hanging around none of that. It is pretty much in and out and we do sell cigars.

Mr. Berkowitz commented: There is no smoking inside?

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Mr. Gilbo commented: You can smoke inside the store it is exempt from the clean air act but most people don't. It is more in and out it is more of a convenience.

Mr. Berkowitz commented: What are the businesses on either side of your proposed space?

Mr. Gilbo commented: Computer Answers and I think the gentlemen that just here the concrete guy.

Mr. Berkowitz commented: So they won't be getting any second hand smoke inside their areas? Is there a ventilation system in your proposed space?

Mr. Gilbo commented: No they won't. There are tons of windows to open.

Mr. Berkowitz commented: What do you do in the winter time?

Mr. Gilbo commented: People don't usually smoke in a store it's not like your perceiving it to be. It's not like a cigar lounge or anything like that.

Mr. Berkowitz commented: But they can smoke inside.

Mr. Gilbo commented: Yes they can but we don't allow it.

Mr. Berkowitz commented: So there will be no smoking inside.

Mr. Gilbo commented: There is not going to be any smoking inside. But, it is exempt from the Clear Air Act. Does it make a difference?

Mr. Berkowitz commented: Yes, if I had a business next to his business and smoke was coming in through the ventilation system it would make a difference to me, yes.

Mr. Gilbo commented: There will be no smoking in there.

Mr. Berkowitz commented: Ok, thank you.

Mr. Higgins commented: The State mandates you check ID's to make sure no one is under age 18.

Mr. Gilbo commented: Yes, and the sign is posted on the door and we have never had an issue.

Mr. Higgins commented: There is a similar business down the road that has a few free standing sign are you planning any kinds of displays like that? You are obviously back off the road you are back a little bit.

Mr. Gilbo commented: We were thinking an A-frame sign possibly but that would come at a later date and just for the record we are not him.

Mr. Higgins commented: I understand that.

Vice-Chairman Roberts commented: You will have to come back for an approval for any extra signage you already explained the 2-signs that you want. Anyone else have any comments?

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Mr. Higgins made a motion to approve the change of use, tenant and signage contingent that the applicant has agreed to obviously no smoking inside the building and only the signs that he has on the application which are approved by the Board, seconded by Mr. Nadeau. Motion carried.

Vice-Chairman Roberts commented: Welcome to Halfmoon

Mr. Higgins commented: Please use Halfmoon in your advertising.

15.047 Saratoga Hospital, 453 Route 146 (Parkford Square) Change of Use/Tenant

Mr. Jim Liouelle was present from Parkford Development and commented: I am here on behalf of our office building located at 453 Route 146 in Halfmoon we are seeking the Board's approval on a tenant approval for Saratoga Hospital to operate a primary care facility. The applicant intends to lease approximately 4700 SF to do this. They will be joining two existing tenants which will complete both of our buildings. The facility employs up to 10 people they anticipate there will be 12 patients at any given time which requires 22 parking spaces and at 4700 SF we are allowing the tenant 24 parking spaces based on the total availability of spaces of 60. We have Kevin Romaine here tonight he is the Vice-President of Operations for Saratoga Hospital and if you have any questions for the operations he can answer those and I can answer any questions you have with regard to the building.

Vice-Chairman Roberts commented: Thanks Jim, are there any questions from the Board?

Mr. Berkowitz commented: Is there any radiology services in the office?

Mr. Liouelle commented: No, I don't believe so.

Mr. Higgins commented: As far as parking, there haven't been any problems with parking at that site.

Mr. Liouelle commented: We actually have one tenant that occupies 4000 SF to the north of the building and literally has 3 employees and they have 24 spaces and they use less than 5 on a daily basis so there is never a problem.

Mr. Higgins commented: Is there going to be any signage?

Mr. Liouelle commented: We are going to come back to the Board for signage but were really not going to change anything from the concept that we currently have there. We may have something on the building to signify Saratoga Hospital and then the monument sign and there is a placker board on the bottom and that will change as well to show their location.

Vice-Chairman Roberts commented: Would anyone else like to speak?

Mr. Higgins made a motion to approve the change of tenant and use, seconded by Mr. Berkowitz. Motion was carried.

15.048 Maintain Consulting and Inspection Services LLC, 46 Upper Newtown Rd – In Home Occupation

No one was present.

15.051 John Danforth Company, 5 Liebich Lane – Change of Use/Tenant

Mr. Tom Shannon, Vice-President of John Danforth Company was present and commented: I live in Ballston Lake, New York and we are looking to relocate our Capital Region Offices and Fabrication Facility to 5 Liebich Lane. At peak time we are looking to have 35-50 people in our shop for fabrication of sheet metal and pipe and probably somewhere in the same neighborhood 35-50 people in a second phase when we come to the Board to build a new office building in the same location. The hours of operation for the construction company are typically 6 AM to 6 PM and we will go to a second shift at times depending on our clients needs. For the most part our office hours are generally 6 AM to 4:30 PM, 7 AM to 4:30 PM Monday through Friday and we try to obviously not work on Saturdays and Sundays if at all possible to keep the costs down but there are occasions that we will be doing that.

Vice-Chairman Roberts commented: Thank you. Are there any other questions from the Board?

Mr. Nadeau commented: All the fabrication will be done within the building?

Mr. Shannon commented: Yes, within the building structure.

Mr. Nadeau commented: You said you could be open possibly for a second shift?

Mr. Shannon commented: Potentially, it will depend on the market.

Mr. Nadeau commented: There are residential people in the area as well.

Mr. Shannon commented: Yes.

Mr. Higgins commented: Will there be any painting on site?

Mr. Shannon commented: There will be no painting on site other than occasionally we will have to paint a piece of pipe prior to leaving the facility but for the most part we will not have a paint booth that we will actually be painting inside.

Mr. Higgins commented: As far as storage of materials will that be inside?

Mr. Shannon commented: Predominately we are going to have a 20,000 SF warehouse 30,000 SF for sheet metal fabrication and 10,000 SF for pipe and there will be an occasional time that we may have to store an air handling unit outside for delivery to a project but it will be far and few between.

Mr. Higgins commented: The storage would be on the loading dock side of the building.

Mr. Shannon commented: Yes sir.

Mr. Higgins commented: Thank you.

Mr. Shannon commented: You're welcome.

Mr. Ruchlicki commented: I would be interested because you are going to be fabricating and you are dealing with pipe. Will you have pipe threads in the building and will you be using water soluble coolant or oil based type stuff for threading that pipe, is it steel pipe or plastic pipe?

Mr. Shannon commented: It will be a combination of steel and plastic.

Mr. Ruchlicki commented: Will you have equipment there to do pipe threads?

Mr. Shannon commented: Yes we will.

Mr. Ruchlicki commented: So everything will comply with State regulations as far as the coolant oils and are you going to use water soluble coolants?

Mr. Shannon commented: Both, we are an ISO 9,001 and certified here in the Capital Region as well.

Mr. Ruchlicki commented: Will all of your deliveries come from the Route 9 side?

Mr. Shannon commented: Yes, obviously we will be trucking quite a bit we are in that business. We ship a lot of product and we ship a lot of air because of duct work.

Mr. Higgins commented: I think Tom asked the question because we want to make sure the delivery trucks doesn't come through the residential development at the other end of Liebich Lane.

Mr. Shannon commented: No, it will all be coming at the other end coming off Route 9 and the Northway right to our facility.

Mr. Higgins commented: That is the way it was designed. Thank you.

Vice-Chairman Roberts commented: Are you proposing any signage?

Mr. Shannon commented: No, not at this time. I will be coming back for signage on the building and also be coming back for an approval for a site plan change of use for building an office building.

Mrs. Sautter commented: It says that you are going to have some clients and customers, is there an office for them?

Mr. Shannon commented: Right now?

Mrs. Sautter commented: Well you said there is going to be a small office in the narrative is the shop foreman and for the warehouse manager. I didn't know if that is where you would be meeting your clients.

Mr. Shannon commented: No, right now it's going to be shop, fabrication, sheet metal, pipe and my warehouse so there would be office spaces inside for my shop foreman as well as my warehouse foreman and then were going to build an office building and that is where the clients will eventually go to.

Mrs. Sautter commented: Is that in the future? That is not part of today. It will be in the future and that is not part of this project.

Mr. Shannon commented: That is in the very near future. Not part of today's project. It will be in the very near future as soon as we close on the building.

Mr. Higgins commented: It is similar to the operation you presently have on the other side of Exit 10.

Mr. Shannon commented: Exactly the same with the exception of my fabrication facility currently resides in Menands.

Mr. Higgins made a motion to approve the change of tenant and use contingent on all fabrication being done inside the building, the storage if it's outside has to be by the loading dock, and deliveries from Route 9 entrance only, seconded by Mr. Nadeau. Motion was carried.

Vice-Chairman Roberts commented: Welcome to Halfmoon.

15.050 Garden Time Inc., 1467 Route 9 – Addition to Site Plan

This item is adjourned until their site plan is in compliance.

15.049 Cromwell Emergency Vehicles, 3A Rexford Way (Bast Hatfield) Change of Use/Tenant

Mr. Barry Bashkoff of Clifton Park commented: I am owner and Manager of Cromwell Emergency Vehicles. First I would like to apologize for not being here at the last meeting we were never notified that we were on the schedule. I had specifically asked and we were told we were on the 27th and not for the 13th. I apologize for that. Cromwell Emergency Vehicles up-fits already built ambulances delivered to customers in New York, Connecticut and Vermont. Prior to this application all of the work that we did at the 3A Rexford location was modular up-fitting, modular installation, and modular repairs. We have an opportunity now with a new product that is being introduced into the ambulance industry which is a liquid spring air ride. We now have hydraulic air rides and this is going to be a new change in the way ambulances are delivered and built. We applied to be a warrantee repair center for the company that builds it and then realized this is a change in the suspension of an only M product. Although we are already a certified new car dealer we never applied for the repair shop part of that program. In order to do this new item we need to be a certified repair shop program so what we would like to do is when we came in here 6 years ago and told you that we weren't going to be changing suspensions it appears that we would now like to start doing that.

Vice-Chairman Roberts commented: Are there any questions from the Board?

Mr. Nadeau commented: So your business is strictly repairing those units and not repairing other vehicles.

Mr. Bashkoff commented: No, we don't do anything but our customer's ambulances. We have an on-site road service program. We very rarely have any vehicles brought to us from Vermont or Connecticut. We have 2 trucks to go out to them. You can't do out in the street this has to go on a lift and take the original suspension off and put a new suspension on.

Mr. Ruchlicki commented: There will be no oil changes, transmission work, or other engine work at all?

Mr. Bashkoff commented: No, it's the cleanest shop you have ever seen.

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Mr. Higgins commented: I know last time when you were here we talked about the number of vehicles there were going to be stored outside. Is this going to increase the number of vehicles that you will be storing on site?

Mr. Bashkoff commented: It might by one. We can only do one at a time.

Mr. Higgins commented: We just don't want 20 trucks lined up out there.

Mr. Bashkoff commented: We sell 20 trucks a year. So the fact that every time a truck comes in we will take the old suspension off and put the new suspension on that truck and that truck goes out. We are only doing it one at a time.

Mr. Higgins commented: So if in the approval we say that we give you benefit of a doubt say that you are outside storage will increase by 2 vehicles over your previous approval that is acceptable to you?

Mr. Bashkoff commented: That is one more than we need thank you.

Mr. Higgins made a motion to approve the change of the vehicle repair license for this facility with the understanding it is strictly for modifications to the suspension of the vehicles and that they are not going to be doing any kind of major oil changes, repair work, and that the maximum number of units stored outside of the facility will be 2 in addition to what they were previously approved for this site and the additional use, Mr. Berkowitz made a second. Motion was carried.

Mr. Bashkoff commented: We need an official letter from the Town stating that you approved this. Thank you.

15.040 PKG Properties LLC, 1425 Crescent Vischer Ferry Road, Amendment to Site Plan

Mr. Paul Gross was present and commented: I am the owner of PKG Properties and I was here a couple of weeks ago and I would like to add a garage to the property at 1425 Crescent Vischer Ferry Road. The 2-car garage will be 24' x 28' just to store a plow truck and lawn, garden equipment in there. I don't know what else to tell you it is pretty simple. I know your waiting for me to say something dynamic but I have nothing.

Mr. Higgins commented: I think last time we had to wait for the County to act that is why you had to come back for that.

Mr. Harris commented: The County did meet and did respond back that there is no County wide or inter-community concerns.

Mr. Berkowitz made a motion to approve the Amendment to Site Plan for 1425 Crescent Vischer Ferry Road to construct a 2-car garage, seconded by Mr. Ruchlicki. Motion was carried.

15.032 Plant Road Estates PDD, Plant Road – Amendment to Site Plan

Mr. Mike MacNamara with Environmental Design commented: I am here tonight with Mr. Tom Samascott and Mr. Wayne Samascott of the Malta Land Company for Plant Road Estates. At the March 23, 2015, meeting we were before the Board requesting two amendments to the approved site

plan. We had asked the Board for approval to move the 40-units that were reserved for age 55 over to Phase 2 and 3 of the project. We were also asking to decrease the building to building separation from 25ø to 10ø. As for the location of the age 55 and over we understand from the comments of the Board and from Mrs. Murphy that this particular revision is something that will have to go through the Town Board for approval. We have withdrawn that request. We have put the reserved units right back to where they were in the approved plan. As for the building to building setback the Board had requested that we provide more information on the impact to the density of the project if we didn't change the 25ø setback. To reiterate what we said last month it's Malta Land Companies intention this entire project to age 55 and over community not just the 40-units that the Town requires. One of the things that is essential to market to that particular sales group is that you have to get a master bedroom on the first floor. The units that were on the approved plan are really geared more toward a starter house for smaller families they have a full second story and there wasn't appropriate building for our use. We are proposing a wider unit. When we look at that wider unit and we try to maintain that 25ø separation the only way to make that work is basically every other lot you have to put in a 2-unit building instead of a 3-unit building. When you do this through the entire project it's a loss of 22-units which is just not economically feasible for the amount of improvements that have to be done. The plan that you have before you tonight is kind of a step toward the middle of no change at all with what we had originally proposed. We have increased our proposal from 10ø to 15ø for building to building separation. We think this is a little more consistent with some other projects that have been approved within the Town. The other change that we made is the Architect has come up with another unit that is a little bit narrower and by mixing that it with the whole project we are able to gain a few more feet. With this building setback of 15ø we are able to get the unit count back up to 144 units. We sacrificed 6 units is still significant but it is a little more manageable. That is what we are requesting the Board to consider for approval.

Vice-Chairman Roberts commented: Thank you; are there any questions from the Board?

Mr. Berkowitz commented: It doesn't seem like all the units are 15ø apart. What percentage of units are 15ø apart versus the units that are not 15ø apart?

Mr. Dannible commented: A little over half of them are 15ø minimum and the others are more than that. Again the 15ø is really in most cases just a point it's not like you have a solid 2-story building with the walls that are constantly 15ø apart. It's either at the front of the unit or the back of the unit where it comes to a point and the rest of the building is more than that.

Mr. Higgins commented: Lyn isn't the setbacks typically to the property line or is it building to building.

Mr. Harris commented: This is talking about building to building for the separation. Glen Meadows is similar, Sheldon Hills and this was approved as building to building separation not a side lot. They don't always know what the exact lines are going to be until they place the building within the footprint of the setback.

Mr. Higgins commented: Are these units going to be sold individually?

Mr. Dannible commented: Yes they are. After they are sold a new line will be gone along the common division wall between the units and effectively a subdivision into those lots.

Mr. Higgins commented: Theoretically a 3-unit building could possibly have zero side yard setbacks on both sides depending on the orientation. I am talking about the outside units not the center units.

Mr. Dannible commented: On the outside units some of them are pushed up close to the property line. But you wouldn't have that on the other side because on the other side you have to have 15' to the next unit.

Mr. Berkowitz commented: Is 15' separating unit to unit? Building to building?

Mr. Dannible commented: Yes building to building and unit to unit.

Mr. Berkowitz commented: For the backyards the A-B-C units are they allowed privacy fences in their backyards can they do that?

Mr. Higgins commented: Do you know what you are planning on doing behind there?

Mr. Berkowitz commented: Are they allowed to do it themselves if they want to put a patio back there and want some privacy from the neighbors can they do that?

Mr. Dannible commented: That is typically what you see in a 3-unit building it's right on the line. One thing that I forgot to mention the two that we have here on the right this is the unit we are proposing to build. If you look at the end units they are either single story or in some cases they have a partial second floor. That is because you have the master bedroom and everything right on the first floor. To the left you will see the black and white one that's the unit that was on the approved plan. Again, the footprint is so small that you really have to have a full second story in order to get just the space that you need in order to be able to sell it to any market. The other thing to point out between the two is if you look on the left when you get to the end of the unit because of the narrowness you really have room just for a pedestrian door that is it. You get this building that pretty much repeats building after building and the same thing. With this one on the right, you have a little more room to work with you have a door and some windows you can have some architectural variation with dormers and false second floors. We think the other advantage of this is that you are going to have a better looking product at the end rather than 50-units that are exactly the same building.

Mr. Berkowitz commented: Do each of these units have a first floor master bedroom?

Mr. Dannible commented: Yes every unit does and on the plan that we laid out every unit does have a first floor master bedroom.

Mr. Berkowitz commented: Are they all 2-3 bedrooms or are some 1 bedroom?

Someone was speaking but could not be heard.

Mr. Berkowitz commented: There are options to choose from. The majority of them will be 2 or 3 bedroom.

Someone spoke again but could not be heard.

Mr. Berkowitz commented: Does that vary by the building unit?

Mr. Higgins commented: Rich, you said on Sheldon Hills on these types of uses they are 15'

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Mr. Harris commented: I went and checked its 20ønot 15ø On Glen Meadows its 15ø

Mr. Higgins commented: I thought it was 20øthat is why I asked. Have they built any in Glen Meadows yet?

Mr. Harris commented: No not in that section. That was part of changes last year.

Mr. Higgins commented: What would it do if we went to 20øinstead of 15øand split the difference with you?

Mr. Dannible commented: We looked at everything along the way from 25øwhich is the way its approved now then we went to 20øand with 25øwe lost 22 units we didnø put a plan together because we already have an approval for 150 there is sense in putting together a plan that we just canø build. 20ø was in the middle with 15øwe loose 6 with 20øwe lost 14 or 15. Again, the decision is just too much we have the traffic intersection improvements and 1500 SF of off site water main you have to have a certain number in order to do that work.

Mr. Higgins commented: We have had people come back to us on some of the smaller off sets and say its just way too tight that is why we are asking the questions because its not the first one we have seen there had been other ones 10 and 15øpeople were complaining about it.

Mr. Dannible commented: The people purchasing it are the people that are going to see it and they are making the decision whether they buy or donø buy. Again what I think mitigates it a little bit is that it is one story on the ends. Itø not going to look different.

Mr. Higgins commented: The problem I have is if you have an end unit and your right on the property line then all of a sudden just to walk around to your backyard outside you are walking on someone elseø property. All of a sudden you start getting arguments between neighbors which has happened before. That is reason I asked about the orientation of the units right up against the property line.

Mr. Dannible commented: That is something that we will have to think about as we lay it out there is still a little bit of variation if you look the units all have letters on them we tried to lay it out for the worst case scenario, if you will, the maximum benefit. It is certainly possible with the larger building to go with something smaller. That is a decision that will be made lot by lot. How does this fit.

Mr. Higgins commented: We are trying to prevent neighbors arguing because someone wants to wash the windows and youøre stepping on someone elseø property. All this has happened before that is the reason why we are bringing it up.

Mr. Dannible commented: You need some kind of a side yard so you can walk around your building and take care of it. I donø think there any where its 0, this is 60 scale and it looks tight. Typically we were putting them a foot or so off the line if you went with the smaller units on the end you can do better than that.

Mr. Higgins commented: Hopefully they are skinny people.

Mr. Dannible commented: Itø an incentive I guess if you donø have room to walk around your house what better diet plan is that?

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Mr. Berkowitz commented: How is this going to be built? If you have a 3-unit building you need 3 purchasers to start building that building? Do you build the building and have 2 specs?

Mr. Tom Samascott commented: Malta Land Company commented: We would have to build all 3-units but we wouldn't have to finish all 3 but one unit would have to be finished to a point where we could get a C.O.

Mr. Berkowitz commented: So the people buying the unit would know what kind of yard they would have and what kind of building they are going to be in for the most part.

Mr. Samascott commented: We would have to make a decision at that point on what those other 2 would be.

Mr. Harris commented: And how the Building Department operates with that is issue a foundation permit first and then would issue 3 separate building permits for each unit. We issued the building permit for that building but its actually 3 separate building permits because they issue 3 separate C.O.s. It might be done with one unit before but like you said he would not be able to apply for just one building permit.

Mr. Berkowitz commented: One building permit with 3 C.O.s?

Mr. Harris commented: Three building permits get issued together with the one foundation permit.

Mr. Berkowitz commented: Can the homeowners put up a fence between adjoining buildings?

Mr. Harris commented: It can go on the line but because it's a PDD I am not sure what the legislation says about that or in your HOA.

Mr. Dannible commented: There is also an HOA that has to be formed. As we get ready to do this that is something that can obviously be controlled as well.

Mr. Berkowitz commented: If you don't allow fences between the buildings you can get away with having lesser space but if you have a couple feet on the side of the building with a fence you can't put a ladder up, you can't get someone to clean the house.

Mr. Dannible commented: I think that is something that we can control through the formation of the HOA whether or not a fence is allowed. The other thing is that we set it up like this so we can work with the lot layout that was already approved so we wouldn't have to go back through the subdivision process. You can always easements from one lot to another for whatever of these things that might come up and the easement will provide a supplement to whatever is available.

Mr. Berkowitz commented: If you have a fence there you have to get a piece of equipment and there is not enough room for that piece of equipment.

Mr. Dannible commented: I wasn't talking so much about fences but just in general we still have the ability to do that.

Mr. Berkowitz commented: I am just talking about fences.

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Mr. Harris commented: Can I offer you something else; a couple of you expressed a concern about available space on those end units that are part of that end units property. Are you able to say, and may not be able to here, the minimum on that plan is 3ø/ 5ø were you able to figure out to that level on those end units is there any that the property line of those end units is going to be a foot off the building. Are you able to offer a minimum of 5ø

Mr. Higgins commented: I am just thinking about how are you going to get a lawn mower back there to mow your lawn? You're not going to carry a lawn mower through the house.

Mr. Nadeau commented: That where the easement will come in.

Mr. Higgins commented: Will that include all maintenance on these units?

Mr. Dannible commented: There will be options for that, but not necessarily.

Someone spoke but was not heard.

Mrs. Sautter commented: Here you have A-B-C the B unit appears to have just one bedroom.

Mr. Dannible commented: The middle unit is always a full 2-story.

Mrs. Sautter commented: So what if I want that one, what if I wanted A unit and I wanted that 2-story unit.

Someone spoke but was not heard.

Mrs. Sautter commented: Potentially, all of these could actually all be 2-story buildings, they could be.

Mr. Dannible commented: If their projects in Malta, Lakeview Landing which is the one that we mentioned last month that they won an award for that is not even a age 55 and over community that was by their choice. I think that 75% for the buildings that they are building are just one-story buildings. That is something that the market is going to dictate and if they are selling to Senior's it's just not very likely that they are going to have a lot of the two stories. They are going to have partial second floors.

Mrs. Sautter commented: Partial second floors would just be an extra bedroom and a bathroom as well a loft type of thing?

Mr. Dannible commented: Yes, there is an extra bedroom upstairs and other option , along with the bathroom.

Mr. Higgins commented: I am sorry Tom could you come up to the microphone and speak for the record. It's recorded.

Mrs. Sautter commented: Potentially it could look like the project on the left as far as all of them having 2-stories.

Mr. Samascott commented: They could all have 2-stories. I would like to think we will have a much better look than the one shown. I am not going to build that if I can avoid it. Right off the bat, just having the extra width you can see what it does to the front of the building. You have windows in the front where the other one is door, door, door, door and door.

Mr. Higgins commented: So if you went to 20ø your going to loose another 5 units or so?

Mr. Samascott commented: We will loose 10 more than what we have lost already. That is why I told him to stop. We were half way through it.

Mr. Higgins commented: I understand that we have been through this before.

Mr. Nadeau commented: I don't care for that building being up against that property line.

Vice-Chairman Roberts commented: So you are saying you don't like the 15ø?

Mrs. Murphy commented: No, he is not saying that. He is saying that he doesn't like the easement at the property line. It was hard to understand what was said she was not on microphone.

Mr. Nadeau commented: I am hearing the easement to get on the other property just doesn't seem realistic it seems its poor designing.

Mr. Samascott commented: Something like a minimum off the property line and 15ø building to building so you know someone can push their lawn mower around the end of the building.

Mr. Nadeau commented: If you can't get by there it just seems like poor planning that is all.

Mr. Dannible commented: I know something like that is kind of unique for Halfmoon but I grew up in the Village of Ballston Spa in a house where our neighbor was probably 3ø from building to building not building to property. Nobody really knew where the property line was. You just assumed it was in the middle. Again, I know it is something a little bit new for Halfmoon but these are solvable problems and if we could have a 2ø or 3ø side setback and then a 15ø building to building I think we could work with what we have and maybe substitute out more of the A-units for C-units and do something with that. Again, we had a workshop meeting with Rich and Mike and the Chairman and we were trying to work through what makes sense. We knew that the 25ø wasn't going to work, we tried the 20ø again it wasn't going to work. We kind of settled on 15ø again as meeting somewhere in the middle we are losing 6-units but we can tweak it again and could probably get 3ø side setback and 15ø building to building to work.

Vice-Chairman Roberts commented: I think you should try a better approach.

Mr. Higgins commented: The problem is when this development has been before the neighbors for a number of years and Planning Board got a lot of heat just from the number of units and the layouts. We're not giving you a hard time just for the sake of giving you a hard time we heard a lot of neighbor sentiment about the fact that it's too many units, they are too close together, the whole bit. So now, you're asking us to make them even closer together I realize they are going to be a little bit bigger units and a few less units but I know that we are going to hear it from the neighbors.

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Mr. Dannible commented: The unit count is going down one way or another if we go with this. That is certainly a move in the right direction.

Vice Chairman Roberts commented: I think that based on what you heard here tonight maybe you could take another look at it and tweak it.

Mr. Dannible commented: Come back to the Board?

Mr. Higgins commented: Maybe ask what the other members think?

Mr. Dannible commented: What is difficult is from our point of view is again we find that we are kind of guessing. Let's try this does it make sense at 15' and a 3' minimum to the side property line could be kind of poll of that?

Mr. Higgins commented: Personally I would like 5' to the property line and 20' that is what I am asking for there are a lot of other Board Members but if you're asking what my feeling is I would like at least 5' to the property which I don't think is unreasonable and then 20' from structure to structure.

Mr. Dannible commented: I understand your point of view but I don't think we will back to ask for that it just doesn't make any sense we may as well do the 25' and do the two-stories. We will lose too much.

Mr. Partlow commented: I have to agree with the 5' and the 20' as well.

Vice-Chairman Roberts commented: Margaret what do you think?

Mrs. Sautter commented: I was just questioning Rich with regard to the precedent of the 16 at Glen Meadows and then my question was it maintenance free? I think to me that makes a world of difference only because when I look at 15' and then they have to mow their lawns and they will want a shed I am trying to visualize it and it's very hard to visualize it and I know they haven't done that over at Glen Meadow yet. Your saying in Malta is it practical there you say you have done this before you have a set pattern is it exactly like that in Malta with the 15' and the side yard? I am just thinking of the shed.

Mr. Dannible commented: The Malta comparison I was making was the fact that they built so many one story buildings and I didn't mean to say in every other way it was similar to this project.

Mrs. Sautter commented: But, I am asking you if it is similar?

Mr. Nadeau commented: Do you have an HOA in Malta?

Mr. Dannible commented: They are single-family lots. Yes we have an HOA there. We have the maintenance program optional through the HOA for snow removal and lawn care.

Mrs. Sautter commented: How far are the units away from each other?

Mr. Dannible commented: They are 20' away from each other that is the typical side yard setback that you would usually see some sort of side yard setback.

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Mrs. Sautter commented: I see where you are going with this and I do like the idea but I just envision that problem. If they are going their own lawns I would like to see something away from the lines shown but I also don't want you to end up with a product you don't want and that we don't want aesthetically I see yours and see where you are going with it and I do agree with it. I wish there was maybe a little bit better compromise that we could come up with.

Mr. Dannible commented: One of the issues that we are dealing with here is we are not the original developer saying this is our land. He bought this project as 150-units subdivision some of the public benefits that we are doing off site with the intersection improvements they are predicated on 150-units. There really isn't an opportunity to give up too much before you start getting into trouble.

Mrs. Sautter commented: I agree with you and I do see where you are coming from.

Mr. Dannible commented: We would really like to get away from the left and go to the one on the right.

Mr. Nadeau commented: I can understand that too but as a Board we looked at this as the first project unfortunately whom ever came after afterwards you have to step up too. We looked at initially as the first project.

Mr. Dannible commented: I understand whenever you ask for a revision that it the game that you have to play.

Vice Chairman Roberts commented: Tom do you have any thoughts?

Mr. Ruchlicki commented: You really want to throw a wrench in the works? I am going to look at this logically and I am going to give you my opinion. When I look at that picture on the right you have 2 cars in front of that one garage on the right hand side of that picture you darn well that they are equivalent of 2- 8' doors on a regular garage that is 16' that is the gap that you are talking that is going to be between these buildings minimum. What I don't understand is if you have a structure like that and you have a lot and the lot has its lot lines why do you show on the drawing that the building is either next to that line and then there is 15' on the other side of it why are we arguing over a property line that would be within 3' of the building when you have 15' between the buildings? Why can't you adjust the lot lines to fit down the middle of the 15'? We wouldn't even be entertaining the argument on whether a guy could get a lawn mower back there.

Mr. Dannible commented: We could to adjust the lot line. Here is the problem with that and again it goes back to the second guy on the scene and not the original developer I think intended on selling it all along he didn't want to market to age 55 and older he was just looking for the approval. He used a building footprint that he used elsewhere as a starter home. Could we change the lot lines? We could. We could probably get 15' and it would boil down to 7 1/2' on each side but it would be a re-subdivision and we would have to go through the process we would have to do a public hearing and re-submit to the DOH and DEC and basically even on things that you would think are easy approvals to those agency's the time delay we would loose a whole year. He is already out there starting construction you can't really give that up. You would have to go back and rather build the approved plan rather than give that up.

Mr. Ruchlicki commented: The only reason why I say that is it looks to me like the only thing that I see here is the position of the building within the lot lines. Are you telling me that the lot is such that that particular building has to favor that line on the left and not the one on the right?

Mr. Dannible commented: By starting at the minimum on one side you reserve the maximum amount on the other side which allows you to push the next building over that much farther. If you start to center these then again you are into a position where you just start losing more and more units. We are trying to come up with something that is more feasible. One of the things that we said is maybe we can go back and take a look at 3ø minimums side and then 15ø building to building.

Mr. Ruchlicki commented: I think the reality of it is that the 3-unit building the largest 3-unit building doesn't really fit on the lot.

Mr. Dannible commented: It fits on the lot.

Mr. Ruchlicki commented: It has a minimal side lot then so you put a 2-unit building in between and you gain your 15ø that is the way you got this staggered on this drawing that I am looking at now.

Mr. Dannible commented: The 2-unit buildings we pick every time we do that. We pick up 28ø-30ø in the middle that we then distribute.

Mr. Ruchlicki commented: We can talk about it all night I look at it logically so that whole thing with where are already laid out and the subdivision was already done.

Vice Chairman Roberts commented: I am thinking now your proposal is not being warm and received here.

Mr. Ruchlicki commented: I am trying to make it easy on you and all you're telling me that I am looking at it from a difficult standpoint. The fact of the matter is that we are talking about a situation where you may have a house that is 2ø off the lot line. If you happen to get a person that lives in that particular building that has a problem with getting his lawn mower down the side of building because his neighbor is going to complain. I wouldn't be concerned with that. Why would we be concerned with that? It is not for this Board to decide. That is a communal situation between those two neighbors and nothing to do with this Board and our approval.

Mr. Dannible commented: When you are driving down the road you don't see what the separation is to the lot line you see the separation from building to building.

Mr. Ruchlicki commented: That is the perception if I had a concern I would question 15ø between the buildings and is it safe for a fire situation if one of the buildings caught fire you have 15ø to the next one. What would the fire company say about that? That would be a concern for me not if the building was 3ø away from the lot line. But, that is my opinion.

Mr. Dannible commented: The project architect who is not here with us tonight we had that discussion and the building that the code allows you to go to 5ø and you can even go less than 5ø if you start staggering windows and there is all kinds of things that you can do. Obviously 5ø doesn't work for anybody. We don't want a row of houses or anything here. This is something that we think will look nice. And that is what we are hoping for.

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Vice-Chairman Roberts commented: I am a little bit confused here as to what we should do.

Mr. Ruchlicki commented: You asked my opinion.

Vice Chairman Roberts commented: I am glad that I did. We can vote on what is before us, we can ask them to come back with something different but even if we ask them to come back with something different there is no guarantee the Board is going to like what they come back with.

Mr. Higgins commented: If we take a vote on this and he is denied is he able to come back?

Vice Chairman Roberts commented: Oh sure, yes.

Mrs. Murphy commented: Who ever makes the motion and people that are for it make the motion just pay attention to what your wording is.

Mr. Berkowitz commented: This is a PDD so can we put any stipulations on it?

Mrs. Murphy commented: Yes you can.

Mr. Nadeau commented: The applicant knows our concerns let's give them the opportunity to make it right.

Vice Chairman Roberts commented: The trouble with that Marcel they are hitting us with all different information they can come back here with a proposal and 4 more people may not like that proposal. That is not fair to them.

Mrs. Sautter commented: Would anybody be happy with 18' would that make you happy John?

Mr. Berkowitz commented: Well they can't do 18' that is the problem.

Mrs. Sautter commented: I think they can do 18'

Mr. Berkowitz commented: What we are talking about is half the units being 15' apart and the other half being between 20' and 30' or 25'?

Mr. Dannible commented: It's not the kind of thing that you can take where the excess is and redistribute it to try to get something in the middle like 18' it just doesn't lay out that way.

Mr. Berkowitz commented: I understand that but I also agree with Tom where you have a foot print of a building on a building lot and I don't know why you just can't move that foundation over a couple of feet to allow someone to have access to their side yard. If someone wants to put a fence up between two buildings some of these people can't get back to their backyard unless they go through their house they can't go through a side yard. I live on that road and I like that you reduced the number of units on that road.

Mr. Dannible commented: That's why we felt if there was some direction where we had a known quantity like if 3' and 15' or 3' and 16' again 16' is what was approved for Glen Meadows if we had something like that then we could look at it.

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Mr. Berkowitz commented: Could you do 16ø or 17ø?

Mr. Dannible commented: We didnø look at every single increment of 1ø. We looked at 25ø, 20ø and 15ø. Like I said if we did 20ø I think we were losing about 15 units and it was basically we hadnø even finished the plan.

Mr. Higgins commented: Margaret was onto something with regards to the HOA is there something that you could think about as far as making the HOA having the maintenance be mandatory. That would solve the whole issue. It might turn off a lot of perspective buyers too.

Mr. Berkowitz commented: How can you function as partial HOA?

Mr. Samascott commented: They are all in the HOA but in our HOA we offer ala carte if you will, snow removal and lawn care. If they elect to do it they sign a contract they pay the extra in with their dues and it gets taken care of. Most do it.

Mr. Berkowitz commented: I understand that. Itø the few that wonø that will cause trouble.

Mr. Higgins commented: I will make a proposal.

Mr. Higgins made a motion to approve plan with 18' between units and a minimum of 5' I will withdraw that motion.

Mrs. Murphy commented: Would it be helpful for you to be able to do those calculations before they start voting? You said you looked at 15ø and you looked at 20ø but you didnø look at anything in the middle.

Mr. Samascott commented: Right, 18ø could be only losing one unit or it could be only gaining one from where 20ø was. Itø not like its one continuous thing you almost have a separate project between here and here and a separate project between here and here.

Mrs. Murphy commented: I just think you would want to know that as a Board.

Mr. Higgins commented: I guess that I am confused. Another word, Lyn they cannot move the property lines on the individual plots the way they are approved from the Town Board.

Mrs. Murphy commented: It is not from the Town Board the subdivision was already approved so they are where they are.

Mr. Higgins commented: When you say subdivision individual property lines is what you are saying. Now I understand.

Mr. Berkowitz commented: Can they move the foundations within that property line?

Mrs. Murphy commented: Yes they can do.

Mr. Berkowitz commented: So the foundations are not set in stone.

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Mr. Harris commented: The great lot boundary lines are set by the subdivision and then the individual units depending on the placement of the foundation gets shot then built.

Mr. Berkowitz commented: You can basically make a request by changing the foundations within the property.

Vice Chairman commented: They don't know that yet.

Mr. Ruchlicki commented: He can't because he doesn't know if everybody wanted to buy a 3-unit building that is where your problem comes in. If every other building was a 2-unit we wouldn't be having this conversation.

Mr. Dannible commented: Well if every other building is 2 we lose 22 units and then it's not economically feasible anymore.

Mr. Ruchlicki commented: Then you want to build all 3-unit buildings.

Vice Chairman Roberts commented: Here we go again. The Board doesn't like what you are proposing. Go back take a look see if you can increase the distance and I can't say the Board is going to like what you do but we are not getting anywhere here.

Mr. Ruchlicki commented: Keep in mind, unless I am misunderstanding what the Board is talking about, it's not the distance between the buildings that is going to be a minimum of 15' or 16' the issue is the property line being a foot away from the side of the building.

Vice-Chairman Roberts commented: Not necessarily.

Mrs. Murphy commented: This is why they need some direction.

Mr. Nadeau commented: I think the Board has a problem with both issues but we could probably live with the side yard being 5' or 6' I know I can.

Vice Chairman Roberts commented: It seems that the 15' is a problem.

Mr. Nadeau commented: Not to me.

Mr. Nadeau commented: I don't want the building on the property line.

Vice Chairman Roberts commented: So you have a combination of concerns here that is the trouble.

Mr. Higgins commented: I will reiterate. I agree with Marcel I think the people need 5' to be able to get around the side of their house and get into the back. I would like 20' but if 20' doesn't work then I think we could live with something less than 20' but I think you have to figure out a way to make 5' from the property line to the house so people can get around and maintain the side of the house. That is my personal feeling.

Mr. Berkowitz commented: I tend to agree with that.

Mr. Ruchlicki commented: I will just say this, irrelevant to that, if you look at this drawing the way it is now you have a number of lots on there that one side of the building is on the property line the other side is not. So if someone wants to get around they can still get around that building it may not be their side of the building but they could still get around it. That is why I say I don't think it's up to this Board to make that decision. They can still get between the two buildings without being on someone else's property. If there is 3-units there just because the guy on the right hand side only has a foot and the other guy has 3' I don't know. I am probably simplifying it too much.

Mr. Dannible: Can I ask another question a lot of these units for instance that one borders what is going to be an HOA lot, a lot of these are on the end. In the case of this unit, it wouldn't be critical for this unit to have a lot of room against the property line. We could even give an easement from the HOA of an extra 2' or 3'. Would you think that maybe on those units you would be less concerned about the side yard to the lot line and maybe that is where we could compromise and work something out? Then between unit to unit we will try to get maybe 4' to the property line and 16' between buildings or something.

Mr. Ruchlicki commented: If what you propose there with the one that is favoring the HOA if you can spread that wealth across those lots to achieve the side yard setback to the property line or the building setback from the property line then I don't see why not.

Mr. Dannible commented: Does that sound reasonable to rest of the Board? I am just trying to get a feeling on what might fly.

Mrs. Murphy commented: You might like it or you might not like it that is your choice.

Mr. Higgins commented: Personally I think that is little more palatable to me then the design that you have here. Maybe we are just as Mike says grasping at straws but I personally am trying to avoid neighbors fighting over not being able to maintain their own property.

Mr. Dannible commented: Neighbors will fight no matter what! That is neither here nor there.

Mr. Higgins commented: That maybe true.

Vice Chairman Roberts commented: Do you have some direction?

Mr. Dannible commented: We have to go back and scratch our heads a little bit and figure it out. We appreciate it it's a tough thing to ask we get all of that.

Mr. Harris commented: Something that Mike brought up what about the middle units that have zero on either side how do they get from the front to the back to mow their lawns?

Vice Chairman Roberts commented: They keep it in the back.

Mr. Higgins commented: You better hope you don't neighbors that you don't like.

Mr. Dannible commented: If you are a middle unit you must like people.

Vice Chairman Roberts commented: Thank you.

15.029 Wal-Mart Seasonal Storage, 1549 Route 9 – Change of Use/Tenant

Mr. Dion Hayes, Manager for the store commented: I am here tonight to get your approval to set-up lawn and garden selling space for the summer season most of it will be both bagged goods and plants.

Mr. Higgins commented: The square footage that you are proposing how will it compare to what was approved last year?

Mr. Hayes commented: To be honest, I was not the store manager last year.

Mr. Higgins commented: To us it looks like an increase of maybe 20%.

Mr. Hayes commented: I think last year they used this spot right here as well the only reason why I am going out here is because this is our water supply for watering the plants. When we put the plants inside of this I just know it's the lexon and nothing grows out there. It gets sun starved it is made for indoor plants more or less so we can do better with the plants they will thrive better here plus we have the water source.

Mr. Berkowitz commented: How quickly do those plants sell, are they there all summer?

Mr. Hayes commented: We are usually out of most of the plants by late July. It gets so hot outside even in July you can't keep the plants wet enough so we can't phase it out through there.

Mr. Berkowitz commented: So you want to make this big change for 2 months for the plant supply.

Mr. Hayes commented: Yes it's about that.

Ms. Jamie Carlson, Town of New Baltimore commented: Last year the plants were in this area shown on the map and like Mr. Hayes stated the water supply is located in another area which was shown on the plan. This year we issued water mats which need to be close to a water supply. They are felt mats that go on top of the tables and they have tubes that feed water into the mats. So being close to a water supply is essential.

Mr. Higgins commented: How about the other 2 rows on the other side, do they not have water mats?

Mr. Hayes commented: So both have water mats so we can run the hose and I can envision what they went through last year running hoses through the parking lot they probably went through 2 hoses a day with the traffic running over it.

Mr. Higgins commented: The ones closest to the store what about them?

Mr. Hayes commented: Those are going to be bagged goods like your potting soil. This is my personal decision it looks better and is more curb appealing to have colors and flowers out here than it does to have bags of dirt.

Mr. Berkowitz commented: We are looking at safety. We don't care what it looks like.

Mr. Higgins commented: We are looking at safety that is the biggest problem. You are going to have cars and people going back and forth between the plants and we just don't want to see someone get run

over because that is a main right-of-way whether it gets used or not it is a right-of-way for the Realty USA Building and that is the way it was designed for free traffic through there. That is the biggest problem that we have is the safety of the people who are shopping there.

Mr. Hayes commented: Understood. It's not on the map but the other one would be to take and do away with and block anybody from driving through here so it would be.

Mr. Higgins commented: Were we ever able to determine whether or not there is an easement there. Remember John kept talking about the fact that the outer road cannot be blocked. Chairman is not here tonight but John has mentioned that the road cannot be blocked.

Mr. Hayes commented: I think that there is some confusion on our last plan because I had lines drawn through here and it didn't show the traffic being about to get through and it almost looked like the whole thing had been blocked off.

Mrs. Sautter commented: Could you please point out to us, I have highlighted the perimeter road, the emergency access road. Our worry is that people are standing here shopping and for these people it's their thoroughfare.

Mr. Hayes commented: I can still run a hose across here and I would need some barricades that aren't permanent but if you needed emergency vehicles.

Mr. Berkowitz commented: This is all dirt, peat moss and all of that so why don't you take these plants and move them next to the store where you have more control and move the dirt down in here on the eastern end this way you can free up this whole parking lot and you don't have to worry about the water supply here because you already have a water supply coming off the store. This is a difficult area because you have a lot of kids running around there and parents are looking at the flowers, through traffic going through there.

Mrs. Sautter commented: This area shown on the map could be pushed back a little bit right?

Mr. Berkowitz commented: How old is the store?

Mr. Hayes commented: 15 years old.

Mr. Berkowitz commented: So for the past 14 years we didn't have a problem with anything you got your approvals in a matter of 10 minutes this is taking 2-3 meetings because you want to make a change for 2 months of plant sales. It just doesn't make sense to me.

Mr. Hayes commented: (spoke was not heard on the microphone)

Mr. Berkowitz commented: What does Lowe's and Home Depot do? They have the same problem.

Mr. Hayes commented: (spoke was not heard on the microphone)

Mr. Berkowitz commented: Lowe's is covered.

Mrs. Sautter commented: Outside, they do have all of their plants outside.

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(There were too many people speaking at the same time it made it hard to hear everyone speaking)

Mr. Hayes commented: (spoke was not heard on the microphone)

Mr. Berkowitz commented: The perennials and all of that stuff most of that is covered in the little out door yard.

Mr. Hayes commented: Some of the stuff (spoke was not heard on the microphone)

Ms. Carlson commented: The issue is this Wal-Mart does not have a gated patio. Every other Wal-Mart has a gated patio.

Mr. Berkowitz commented: So should you be coming back for that?

Ms. Carlson commented: The issue that we had last year was that we ran out of space. This Halfmoon Wal-Mart does a lot of business.

Mr. Berkowitz commented: This store is 200,000 SF isn't it? How can you run out of space in a 200,000 SF store?

Mr. Hayes commented: Because most of the space.

Ms. Carlson commented: Right, but they don't have an outside garden area.

Mr. Higgins commented: I hate to say this but I was on the original committee for this and I think the area that is covered with the lexand that you were talking about was originally an open area and they came back afterwards to cover the area. Some of us here was on that committee. I am just concerned about the safety.

Vice-Chairman Roberts commented: They did come up with something that may work. I thought that the proposal was changed around.

Mr. Hayes commented: I have been to the Saratoga Store for many years and we have this STOP sign and SLOW signs that end of the store does not get a lot of traffic the grocery side is where most of the traffic is.

Mrs. Sautter commented: I will agree and I will say that last year I saw people pushing carts of plants that were dead to the water source. I have seen that it is an issue. I would prefer to move them here and have them watered and have the water mats in place. I think it's a good answer and I think where he moved it is good and let's try it this year and see how it goes.

Vice-Chairman Roberts commented: I think so too. Did everyone see the proposed change?

Mr. Higgins commented: Basically we are taking the southern most pieces and putting it on the northern side.

Mr. Hayes commented: I would put up the temporary salt barricade here and there and it keeps it in track and lets the customer shop without going back and forth.

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Mr. Berkowitz commented: Are you willing to shrink that down?

Mr. Higgins commented: What square footage are they approved for now?

Mr. Harris commented: To use up 200 parking spaces or 20,000 SF of area.

Mr. Hayes commented: Spoke but was not heard on the microphone.

Mr. Harris commented: That is what you had in the past.

Mr. Berkowitz commented: Are you saying that by July 75% of your plants are gone?

Mr. Hayes commented: Yes by the end of July they are pretty much toast on whatever is left.

Mr. Berkowitz commented: So by the end of July you really would not need the space. Are you willing to get rid of the space by the end of July?

Mr. Hayes commented: Yes, that is fine. There would not be much.

Mr. Berkowitz commented: I could live with that.

Mrs. Carlson commented: And we can go off the side lot?

Mr. Hayes commented: The one thing with the space that is the plants the bagged goods on the other side. That would usually stay there longer.

Mr. Berkowitz commented: I just have trouble with people crossing the street because this store is unique where there is an access road for Realty USA they use your parking lot to get out of their office and they have to use that driveway to get to Route 9.

Vice-Chairman Roberts commented: Is everyone happy with the change Mr. Hayes made to his site plan?

Mr. Berkowitz commented: As long as he consolidated as it sells out and gets rid of it by the end of July. My next question is about the trees in the back. There are about 5-6 dead trees on the northern side of the building on the berm near the fence. Every year some die off and you replace them. It is right near the emergency access road on Plant Road.

Vice-Chairman Roberts commented: You will have to submit a revised plan to the Planning Office.

Mr. Hayes commented: I reached out to Mr. Marlow to see if I could get but I will get them replaced we have a lot of issues over the winter with my snow plow removal service and he also does my landscaping so I have a new landscaper that is top notch he will be starting on May 1, 2015.

Mr. Harris commented: There were 2 close to the entrance on Route 9.

Mr. Hayes commented: I have no problem replacing those. The fence was broke we had it repaired and replaced. I am all about cleaning up the store.

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Vice-Chairman Roberts commented: Can you replace the trees by June 1, 2015.

Mr. Hayes commented: The new landscaper will start on May 1, 2015 and we will get that started.

Vice-Chairman Roberts commented: Is everyone satisfied? I know it's hard to do.

Mr. Berkowitz made a motion to approve the changes we proposed for the seasonal sales with consolidation of the plans by the end of July as they sell and push that forward toward the store and by the end of July they will be removed, the trees being replaced along Plant Road and Route 9 by June 1, 2015, and submit the revised plans to the Planning Department, seconded by Mr. Ruchlicki. Motion was carried.

Mr. Ruchlicki made a motion to adjourn the meeting at 8:43 PM, seconded by Mr. Higgins. Motion was carried.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Planning Board